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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 Estate of Thomas Kail, by and through Sonia  
10 Kail as Special Administrator; Sonia Kail (an  
individual, Jolene Kail (an individual); Jon  
Kail (an individual);

11 Plaintiffs,

12 v.

13 United States of America,

14 Defendant.

Case No. 2:20-cv-01262-APG-BNW

**Stipulation and Order to Amend  
Discovery Plan and Extend Deadlines  
(Fourth Request)**

15 Pursuant to Local Rules IA 6-1 and 26-4, Plaintiffs, Sonia Kail as Special  
16 Administrator of the Estate of Thomas Kail; Sonia Kail (an individual); Jolene Kail (an  
17 individual); and Jon Kail (an individual), and Defendant, United States of America,  
18 through counsel, submit the following Stipulation to Extend Deadlines 90 days. This is the  
19 fourth request for an extension of case deadlines and this stipulation is timely filed as it is  
20 filed 21 days prior to the next discovery deadline.

21 **A. Discovery Completed:**

22 1. The parties have exchanged Rule 26(a) disclosures, along with supplemental  
23 disclosures.

24 2. The United States served written discovery requests including Requests for  
25 Production and Interrogatories on Plaintiffs, to which Plaintiffs have responded.

26 3. Plaintiffs served written discovery requests including Requests for Production,  
27 Requests for Admissions, and Interrogatories upon Defendant, to which Defendant has  
28 responded.

1       4.    Defendant continues to subpoena and receive medical records from Plaintiffs'  
2 medical providers.

3       5.    Plaintiffs were deposed on February 24, 2022 and February 25, 2022.

4 **B.   Discovery Remaining:**

5       1.    The parties may serve additional written discovery, third-party subpoenas, and  
6 plan to conduct depositions of the decedent's treating medical providers and others.

7       2.    The parties will continue to supplement their initial disclosures.

8       3.    In addition, the parties will designate and depose retained and non-retained  
9 medical experts, if applicable.

10      4.    Depositions of witnesses and treating physicians.

11      5.    Continued production of additional medical records and billing.

12 **C.   Need for Extension of Discovery Plan:**

13      The current 90-day extension is being sought for the following reasons. First, the  
14 parties continue to experience disruptions caused by the global COVID-19 pandemic. The  
15 attorneys and staff at the U.S. Attorney's Office are required to work remotely, with limited  
16 support staff, until further notice. Consequently, counsel for the United States has  
17 experienced delays in obtaining and reviewing medical records and hiring experts.

18      Further, Defendant encountered delays in scheduling and coordinating the  
19 depositions of the three (3) Plaintiffs. While the depositions of the Plaintiffs occurred in late  
20 February, with the initial expert discovery deadline quickly approaching, Defendant needs  
21 additional time to review and assess the deposition transcripts for expert retention purposes.  
22 Finally, Plaintiffs' counsel has a trial starting in the month of April and will need to devote  
23 time and efforts to that trial. Therefore, an extension will provide him the necessary time to  
24 complete that trial and complete discovery in this case.

25      Respective counsel for the parties have a good working relationship and have  
26 discussed this request and are in agreement that an additional 90-days is appropriate. This  
27 additional time will also allow the parties sufficient time to continue to conduct discovery  
28 and coordinate various depositions which still must occur.

1 **D. Proposed New Discovery Schedule:**

2 **1. Discovery Cutoff Date:** Discovery cutoff is currently scheduled for May 31, 2022,  
3 and will be extended to **August 29, 2022**.

4 **2. Expert Disclosures:** Initial expert disclosures currently due on April 4, 2022, will  
5 be extended to **July 5, 2022**; and rebuttal expert disclosures currently due May 3, 2022, will  
6 be extended to **August 4, 2022**.

7 **3. Dispositive Motions:** Dispositive motions currently due June 30, 2022, will be  
8 extended to **September 28, 2022**, which is 30 days after discovery cutoff on a day not falling  
9 on a weekend.

10 **4. Pre-Trial Order:** A Joint Pretrial Order shall be filed by **October 28, 2022**, which  
11 is 30 days after the deadline for filing dispositive motions. However, if any dispositive  
12 motions are filed, the Joint Pretrial Order shall be due 30 days after decision on such  
13 motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be  
14 included in the Joint Pretrial Order.

15 Respectfully submitted this 14th day of March 2022.

16 PAUL PADDA LAW

CHRISTOPHER CHIOU

United States Attorney

17 /s/ Paul S. Padda, ESQ.

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/s/ Skyler Pearson

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20 *Attorney for Plaintiff*

22 **IT IS SO ORDERED**

23 

24 **UNITED STATES MAGISTRATE JUDGE**

25 **DATED:** March 15, 2022